



Guide to registration for children's social care services

This guidance provides you with information about how to register social care services. It will help you decide whether you need to apply for registration to run or manage a social care service and explains what processes your application will go through before Ofsted can decide whether you are fit to be registered as a social care provider or manager.

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Introduction

1. This guidance provides you with information about which children's social care services are required to register with Ofsted. These are collectively known as:

- **establishments** (children's homes, residential family centres and residential holiday schemes for disabled children)
- **agencies** (adoption support agencies, independent fostering agencies and voluntary adoption agencies).

It also sets out the requirements for registered managers. Please note that there is separate guidance on registering social work providers.¹

2. The guidance will help you decide whether you must apply. It also explains what processes your application will go through before Ofsted can decide whether you are fit for registration as a social care provider or manager.
3. Providers and managers can apply for registration online. This is called Ofsted Online.²
4. The establishments and agencies which can use Ofsted Online are:
 - adoption support agencies
 - children's homes, including secure children's homes
 - independent fostering agencies
 - residential family centres
 - voluntary adoption agencies.
5. There are three options available to you if you need to submit an application. These are:
 - Ofsted Online
 - email
 - post.

Please note that from later in 2014 you will only be able to apply for registration online. You will **not** be able to apply for registration by providing Ofsted with a paper copy of your applications forms or by emailing application forms to Ofsted. More information will be provided later in the year.

¹ *Guide to registration for providers of social work services*, (130234) Ofsted, 2013;
www.ofsted.gov.uk/resources/guide-registration-for-providers-of-social-work-services.

² <https://online.ofsted.gov.uk/OnlineOfsted/default.aspx>

6. The registration process looks at your fitness to deliver social care services. If we register you, we will continue to assess your ability to provide or manage children's social care through regular inspections. There is more information on inspection in paragraphs 142 to 145 of this guidance.
7. It is important to note that responsibility for supplying Ofsted with the full, correct and suitable information to support an application lies with the applicant. Therefore, it is important that you ensure any information you supply demonstrates these criteria.
8. In general we do not ask applicants to resubmit information if this is incorrect or shows the person has a poor understanding of the service they are intending to provide. We also generally do not ask for an applicant to provide additional information. We make our registration decisions based on the original information you provide. The quality of the information you supply will be taken into account when we make our judgement about your fitness to register with Ofsted to provide or manage a children's social care establishment or agency.

How to obtain more information

9. As well as this guide to registration, we have a number of other guidance documents about children's social care establishments and agencies. A list of guidance you may find helpful, information about the underpinning legislation, web links and contact details for other relevant organisations' documents is available on our website.³
10. To obtain copies of any of the guidance mentioned in this document you can:
 - download the guidance from our website, www.ofsted.gov.uk
 - telephone our help line 0300 123 1231 and ask for specific guidance to be sent to you
 - write to us asking for the information at the following address:
Ofsted
Piccadilly Gate
Store Street
Manchester
M1 2WD.

³ Ofsted: Children and families services providers: Regulating children and families services
www.ofsted.gov.uk/children-and-families-services/for-children-and-families-services-providers/regulating-children-and-families-services

Establishments and agencies that must register with Ofsted

11. We register providers of the children's social care establishments and agencies listed below. Each application, except voluntary adoption agencies, must also register a manager. There is more information about each type of establishment and agency in introductory guides on our website.⁴ The establishments and agencies that a provider **must** apply to register with Ofsted before commencing operation are:
 - voluntary adoption agencies
 - adoption support agencies
 - children's homes, including secure children's homes (these are types of establishments)
 - independent fostering agencies
 - residential family centres (this is a type of establishment)
 - residential holiday schemes for disabled children (this is a type of establishment).
12. The law requires you to register with us each and every establishment and agency you operate. You cannot register with us just once to operate multiple establishments or agencies. Each one must have an individual registration. However, you can register once with us and operate multiple holiday schemes subject to particular conditions. Information on these conditions is available in our *Introductory guide to residential holiday schemes for disabled children*.⁵ It is an offence to operate any of the establishments or agencies without being registered to do so.⁶ Ofsted is likely to prosecute anyone who operates a service listed above in paragraph 11 without registration.
13. We will register you to operate any number of individual establishments as one children's home, where these are located on or adjacent to one site. Our guidance on the registration of multi-sites provides more information.⁷ We also

⁴ Ofsted website: <http://www.ofsted.gov.uk/>

⁵ Children's social care registration: Introductory guide to residential holiday schemes for disabled children (140084), Ofsted, 2014; www.ofsted.gov.uk/resources/childrens-social-care-registration-introduction-residential-holiday-schemes-for-disabled-children

⁶ The Care Standards Act 2000 Regulation 11 (1)). Section 11(1) of the Care Standards Act does not apply to voluntary adoption agencies. For these agencies it is an offence under section 93 of the Adoption and Children Act 2002 to carry out certain prescribed steps of section 92 of that Act without being registered as an adoption agency. The offences within the Adoption and Children Act 2002 relate to both the provider and manager.

⁷ *Guidance on the registration of multi-site children's homes* (080239), Ofsted, 2008; www.ofsted.gov.uk/resources/guidance-registration-of-multi-site-childrens-homes.

have guidance about children's homes that accommodate young adults⁸ and for mobile services which meet the criteria for registration as a children's home.⁹

14. Voluntary adoption agencies can only have one principal office, but can have separate branches. Branches are part of the same registration and are listed on the same certificate as the principal office. However, you must apply to operate and pay a separate application fee for each branch. Please note that we can only register an organisation to be a voluntary adoption agency when that organisation is 'not carried on for profit'.¹⁰
15. Registered providers, such as independent fostering agencies, may sell franchises to other people or organisations. The franchisee must make a separate application to register with us.
16. There are some children's social care services that we inspect but do not register. Those children's social care services that are **not** required to register with us are:
 - boarding schools (unless these require registration as children's homes)
 - local authority adoption services
 - local authority fostering services
 - private fostering arrangements
 - residential special schools (unless they require registration as children's homes)
 - secure training centres.

⁸ *Guidance on inspecting and regulating children's homes with accommodation for young adults* (100116), Ofsted, 2011; www.ofsted.gov.uk/resources/guidance-inspecting-and-regulating-childrens-homes-accommodation-for-adults-wholly-or-mainly-children.

⁹ *Guidance for mobile services* (100252), Ofsted, 2011
www.ofsted.gov.uk/resources/guidance-for-mobile-services.

¹⁰ Adoption and Children Act 2002, Part 1, Chapter 2(2)(5)

Why we register children's social care establishments and agencies

17. We register providers and managers who intend to operate and manage children's social care establishments or agencies in order to:
- protect children, young people and adult service users
 - ensure that the establishment or agency meets the requirements of the relevant legislation
 - ensure that providers and managers deliver good services for children, young people and adults
 - provide information about the quality of an individual establishment or agency to a range of key stakeholders, including children and young people, adult service users, parents and carers, and commissioners.

People connected with a registration

The provider

18. The law requires an application for each social care establishment or agency from the person wishing to provide the service. This person, once registered, is the **registered provider** and is legally responsible for complying with the requirements of legislation. The provider may be:
- an individual
 - a partnership; when a partnership makes an application to register, each person in the partnership must apply for registration and be granted by us
 - an organisation; this includes companies, limited liability partnerships, unincorporated associations, such as committee-run provision and statutory bodies, such as local authorities. All organisations must nominate a person to represent it in its dealings with us. This representative is known as the responsible individual.
19. Where the provider is an organisation, we need to know about all the individuals that make up the provider. This could be the director, manager, secretary, clerk, treasurer, trustee or any other similar officer of the organisation. You must provide the details of everyone who makes up the registered person as part of your application.

The responsible individual

20. The responsible individual must be someone who is:
- a director of the organisation
 - a manager of the organisation
 - a secretary of the organisation
 - an officer of the organisation.
21. The responsible individual acts on behalf of the organisation and demonstrates to us how he or she meets the requirements for registration. The responsible individual must demonstrate on behalf of the provider that the proposed establishment or agency will meet the relevant requirements set out in legislation and will be able to continue to do so once registered. For more information on the role and responsibilities of the responsible individual see our guidance in *Changes to social care services that we regulate and/or inspect*.¹¹

The registered manager

22. Providers must ensure that each registered social care establishment and agency has a manager. This manager must also register with Ofsted **unless** you are applying to operate a voluntary adoption agency - in this instance only the provider is required to register.
23. The manager's registration is personal to them and granted in respect of a particular establishment or agency. The manager's registration is not transferable to another establishment or agency. If the provider is not suitably skilled, experienced and qualified to manage the establishment or agency he or she must appoint and register a manager to take full-time, day-to-day control of the establishment or agency.
24. New managers must submit an application and pay a fee for each application. The manager must effectively demonstrate that they have the skills, knowledge and experience to meet the requirements of each establishment or agency in order to be registered. For children's homes, the manager must realistically be able to be in full-time, day-to-day charge of the home. In exceptional circumstances a manager might be able to manage two homes which are adjacent, and therefore the manager can logistically be in day-to-day charge of both homes.
25. Two individuals may apply to be the registered manager as a job share. In this case, both individuals must submit an application and both must pay an individual application fee.

¹¹ *Changes to children's social care services that are registered and/or inspected by Ofsted* (100253), Ofsted, 2014; www.ofsted.gov.uk/resources/changes-childrens-social-care-services-are-registered-andor-inspected-ofsted

26. Anyone applying to be a registered manager must meet the relevant fitness requirements for the type of establishment or agency he or she is applying to manage. These are listed in the relevant regulations which are summarised in our introductory guides and listed on our website.¹² We have separate information for when a manager applies to be the registered manager of an existing establishment or agency in our publication *Changes to children's social care services that are registered and/or inspected by Ofsted*.¹³
27. In almost all cases the responsible individual **must** be a different person to the registered manager. The law views these as distinct roles, with the responsible individual supervising the management of the establishment or agency on behalf of the organisation. However, please note that the law does not allow the responsible individual of a partnership or organisation to be registered as the manager of an independent fostering agency.¹⁴
28. If the proposed provider and manager is the same person, we will only grant registration where the individual demonstrates that he or she can both manage the establishment or agency on a full-time, day-to-day basis and ensure that he or she can effectively undertake their role and responsibilities as a the registered provider.
29. Applications to register a manager must be made when:
 - a person applies to register a new establishment or agency
 - a new manager starts work at an existing establishment or agency; we have further guidance on this in our publication *Changes to children's social care services that are registered and/or inspected by Ofsted*.¹⁵

¹² Ofsted: Children and families services providers: Regulating children and families services <http://www.ofsted.gov.uk/children-and-families-services/for-children-and-families-services-providers/regulating-children-and-families-services>

¹³ *Changes to children's social care services that are registered and/or inspected by Ofsted* (100253), Ofsted, 2014; www.ofsted.gov.uk/resources/changes-childrens-social-care-services-are-registered-and-or-inspected-ofsted

¹⁴ The Fostering Services (England) Regulations 2011, Regulation 6(2)(a); www.legislation.gov.uk/ukxi/2011/581/part/3/made.

¹⁵ *Changes to children's social care services that are registered and/or inspected by Ofsted* (100253), Ofsted, 2014; www.ofsted.gov.uk/resources/changes-childrens-social-care-services-are-registered-and-or-inspected-ofsted

Before applying

30. You cannot operate an establishment or agency, that requires registration until **all** of the following are complete:
 - you provide Ofsted with a full and complete application for registration that includes the application for a registered manager, where applicable¹⁶
 - we decide that you and your proposed manager are fit for registration¹⁷
 - you receive a certificate of registration from Ofsted.¹⁸
31. An application for registration is only complete when you have supplied all the information Ofsted needs to process it, and you have paid the required fee. If you make your application by post and do not supply Ofsted with all the required information and fee we will return it to you and you will need to resubmit it. If you make your application using Ofsted Online you will not be able to submit your application until all of the required information is supplied.
32. To prevent this from happening, you should not submit an application to us until you:
 - are familiar with the regulations and national minimum standards for the type of establishment or agency you wish to register
 - have a Disclosure and Barring Service certificate for everyone who needs one (this includes all those who must submit an SC2 form) obtained online via the Capita website¹⁹
 - have all of your policies, documents and procedures in place as detailed in the service specific regulations and this guidance (these must relate to the establishment or agency you are applying to register)
 - have appointed a manager (please note that you must include his or her application to register with us as part of your application; if you do not, your application will be returned to you)
 - have appointed a responsible individual, where necessary
 - have a completed health declaration booklet for everyone who needs one (this includes all those who must submit an SC2 form)
 - have premises that meet any planning requirements and are ready to provide a service.

¹⁶ All registered services must have a registered manager except voluntary adoption agencies.

¹⁷ Except for voluntary adoption agencies that do not have to have a registered manager.

¹⁸ The Care Standards Act 2000, Section 28

¹⁹ Capita website: <http://ofsteddbapplication.co.uk>

33. There is more information about who needs to register in paragraph 52 and more on how to complete the documents required for application in paragraphs 61 to 105.

Requirements for registration

34. We assess whether each person connected with a registration is 'fit' to provide the service and/or manage it. Each person must have the relevant skills, qualifications and experience for the position he or she holds and must be able to meet the relevant requirements of registration. The requirements are set out in the legislation listed on our website and summarised in our introductory guides to specific types of establishments and agencies.
35. We assess your fitness by: scrutinising the information you submit with your application; carrying out checks and interviewing you and anyone else connected with the registration; and by visiting the proposed premises.
36. Once registered as a manager, provider or responsible individual, you must comply with any conditions placed on your registration²⁰ and the regulations that apply to each establishment or agency.²¹
37. If you do not comply with all the requirements of registration, we have a range of actions we may take to bring about compliance. This may affect your application to register, or any future application for registration you wish to make.
38. Cancellation of your registration to provide a children's home also disqualifies you from:
- carrying on a children's home
 - being concerned in the management of a children's home
 - having a financial interest in a children's home
 - working at a children's home in the future.

There is more information about the types of action we can take in our *Social care compliance handbook*.²²

²⁰ The Care Standards Act 2000, Section 24; www.legislation.gov.uk/ukpga/2000/14/section/24.

²¹ The Care Standards Act 2000, Section 25 (1); www.legislation.gov.uk/ukpga/2000/14/section/25.

²² *Social care compliance handbook* (140136), Ofsted, 2014; www.ofsted.gov.uk/resources/140136.

Statutory guidance

39. The statutory guidance issued under section 7 of the Local Authority Social Services Act 1970 is primarily for local authorities.²³ The guidance relates to the local authorities role as providers of children's homes and fostering and adoption services. It also relates to their role as commissioners who must find places for children and young people to live in children's homes and foster families run by independent providers and their role in working with voluntary adoption agencies to find families for children that the courts decide should be adopted. However, the guidance is also relevant to private and voluntary children's homes providers, independent fostering agencies, voluntary adoption agencies and adoption support agencies. These registered providers are expected to take the relevant statutory guidance into account in all aspects of their establishment or agency.
40. Applicants should use the relevant statutory guidance (this does not apply to holiday schemes) to help them to develop their establishment or agency so that these meet the requirements of registration. Ofsted takes relevant statutory guidance into account when making a registration decision.

Is there anything that could prevent me from registering?

41. The law disqualifies some individuals from being registered as a provider or manager of a children's home and from having a financial interest in being otherwise concerned in the management of, or working in, a children's home. A number of factors lead to disqualification and you can find a full list of these in our *Social care compliance handbook*²⁴ available on our website or in The Disqualification from Caring for Children (England) Regulations 2002.²⁵
42. Disqualification only applies to individuals connected with children's homes although we take any such disqualification into account when assessing an applicant's suitability to provide any other type of children's social care establishment, agency or holiday scheme.
43. If you are disqualified from working with children you can, in some circumstances, ask for written consent to allow you to apply to:
 - register with Ofsted as a provider of a children's home
 - register with Ofsted as a manager of a children's home
 - have a financial interest in a children's home.
 - be otherwise concerned in the management of a children's home.

²³ Local Authority Social Services Act 1970; www.legislation.gov.uk/ukpga/1970/42/contents.

²⁴ Social care compliance handbook (140136), Ofsted, 2014; www.ofsted.gov.uk/resources/140136.

²⁵ Disqualification from Caring for Children (England) Regulations 2002; www.legislation.gov.uk/uksi/2002/635/contents/made.

You must also ask Ofsted for written consent to employ a disqualified person to work at a children's home, including as a volunteer.

44. Please note that:

- Ofsted cannot give written consent to apply for registration to anyone who is included on the Disclosure and Barring Service's (DBS) list of individuals barred from working with children
- if Ofsted gives consent for you to apply for registration this does not automatically mean we will grant registration.

45. It is an offence to knowingly employ a disqualified person to work in a children's home without written consent from Ofsted. You can find out more about disqualification by reading the section 'Disqualification and written consent' in the *Social care compliance handbook*.²⁶

Registration fees

46. You must pay a registration fee as part of your application.²⁷ This must accompany any hard copy application or your application will be returned. If you make an application via Ofsted Online we will verify that you have provided all the necessary information for us to process your application. If we consider your application documentation is complete you will receive a message which provides you with detail of how to pay the fee online. Please note that we will only commence processing your application once we receive your full application fee.

47. The application fee²⁸ is non-refundable. If we grant registration you must also pay an annual fee **immediately** and then on the anniversary date of your registration for as long as you remain registered to provide a particular establishment, agency or holiday scheme.

48. You must also pay a single non-refundable fee for an application for a registered manager. This fee is payable for an application for a registered manager connected with a new establishment or agency and also when a new manager is registered for an existing establishment or agency. Please note that if the proposed manager withdraws their application before the establishment or agency is registered, we will require a new application and another fee for the new manager. Please refer to paragraph 46 on how to make payments.

49. If the nominated responsible individual changes before the establishment or agency is registered, a new fee is not required. This is because the regulations

²⁶ *Social care compliance handbook (140136)*, Ofsted, 2014; www.ofsted.gov.uk/resources/140136.

²⁷ *Registration fee for children's social care*, Ofsted, 2009; www.ofsted.gov.uk/resources/registration-fee-for-childrens-social-care.

²⁸ *Annual fees for children's social care services*, Ofsted, 2011; www.ofsted.gov.uk/resources/annual-fees-for-childrens-social-care-services.

do not make separate fees for registering individuals who are being assessed as part of the application to register a children's social care provider.

50. There are different fees chargeable for each type of establishment and agency. These are set by government and are reviewed at regular intervals. You can find this information about registration fees on our website.²⁹ The application pack contains a leaflet with information about current registration fees or you can request we provide you with details of registration fees by calling us on 0300 123 1231 or emailing us using the contact details in paragraph 10.
51. When you apply for a new registration we check if you owe us fees from any previous registration. If this is the case we take this into account when assessing your fitness, integrity and financial viability to provide a service. We recommend that you pay any outstanding fees before you make any new application.

²⁹ Registration fees for children's social care services <http://www.ofsted.gov.uk/resources/registration-fees-for-childrens-social-care-services>

How to apply

Who is required to register for each type of provider?

52. The table below sets out who we register and who needs to complete the various forms submitted as part of that application. You will need to make sure that you identify how many of each type of form you need according to the number of people involved with the application.

Type of provider	Entity or person/ persons we register as the provider	Application form (SC1) must be signed by:	Those connected with registration who must be assessed	Name on the certificate
Individual owner	The individual owner is a person who is the sole owner of an establishment or agency or holiday scheme	The individual owner	The individual owner and registered manager	The name of the individual owner and registered manager
Company ³⁰	Companies: <ul style="list-style-type: none"> ■ are legally constituted ■ have a company name ■ have a company registration number ■ are registered with Companies House 	1) If you have no registration with Ofsted <ul style="list-style-type: none"> ■ A director of the company or 2) if your company is already registered with Ofsted: <ul style="list-style-type: none"> ■ A director of the company or a responsible individual (RI) who already represents the company.	The person applying to be the responsible individual and registered manager	The company name <i>and</i> the name of the responsible individual and registered manager

³⁰ Within this guide to registration, company is covered by the term 'organisation'.

Type of provider	Entity or person/ persons we register as the provider	Application form (SC1) must be signed by:	Those connected with registration who must be assessed	Name on the certificate
Statutory body ³¹	A statutory body is an organisation where the main purpose of the organisation is provided for under legislation, for example a local authority	<p>1) If you have no registration with Ofsted</p> <ul style="list-style-type: none"> ■ A senior official responsible for statutory body <p><i>or</i></p> <p>2) if your statutory body is already registered with Ofsted:</p> <ul style="list-style-type: none"> ■ A director of the statutory body <p><i>or</i></p> <ul style="list-style-type: none"> ■ a responsible individual who already represents the statutory body. 	The person applying to be the responsible individual and registered manager	The name of the statutory body <i>and</i> the name of the responsible individual and registered manager
Partnership	A partnership is where two or more people are together but are not registered as a limited company	<p>Where you have no registration with Ofsted and where you are already registered with Ofsted:</p> <ul style="list-style-type: none"> ■ a partner on behalf of all partners <p><i>or</i></p> <ul style="list-style-type: none"> ■ two or more partners on behalf of all partners <p><i>or</i></p> <ul style="list-style-type: none"> ■ all partners 	All partners and registered manager	The partnership name or the names of each of the partners and registered manager

³¹ Within this guide to registration statutory body is covered by the term 'organisation'.

Type of provider	Entity or person/ persons we register as the provider	Application form (SC1) must be signed by:	Those connected with registration who must be assessed	Name on the certificate
Limited liability partnership	Limited liability partnerships are registered with Companies House and therefore hold a separate legal identity from the individuals that make up the partnership. These fall within the definition of 'organisation' (their organisation 'type' is company). Their company name (on the company's house website) will have the prefix 'LLP'	<p>1) if you have no registration with Ofsted:</p> <ul style="list-style-type: none"> ■ a partner on behalf of all partners <p>or</p> <ul style="list-style-type: none"> ■ two or more partners on behalf of all partners <p>or</p> <p>2) if you are a limited liability partnership which is already registered with Ofsted:</p> <ul style="list-style-type: none"> ■ a partner on behalf of all partners <p>or</p> <ul style="list-style-type: none"> ■ two or more partners on behalf of all partners <p>or</p> <ul style="list-style-type: none"> ■ a responsible individual who already represents the limited liability partnership 	The person applying to be the responsible individual and registered manager	<p>The name of the limited liability partnership (company)</p> <p><i>and</i></p> <p>the name of the responsible individual and registered manager</p>
Charity ³²	<p>Charitable bodies may be:</p> <ul style="list-style-type: none"> ■ charitable trusts ■ unincorporated associations 	<p>1) if you have no registration with Ofsted:</p> <ul style="list-style-type: none"> ■ a director or trustee of the charity 	The responsible individual and registered manager	<p>The name of the charity</p> <p><i>and</i></p> <p>the name of the responsible individual</p>

³² Within this guide to registration, charity is covered by the term 'organisation'.

Type of provider	Entity or person/ persons we register as the provider	Application form (SC1) must be signed by:	Those connected with registration who must be assessed	Name on the certificate
	<ul style="list-style-type: none"> ■ limited companies. Registered charities have a 'registered charity number' and may also have a registered company number	<i>or</i> 2) if you are a limited liability partnership which is already registered with Ofsted: <ul style="list-style-type: none"> ■ a director or trustee of the charity <i>or</i> <ul style="list-style-type: none"> ■ a responsible individual who already represents a charity which is registered with Ofsted 		and registered manager

Application forms

53. Applicants can apply for registration via Ofsted Online:

<https://online.ofsted.gov.uk/OnlineOfsted/default.aspx>

54. Application forms are also available to download, complete and print from our website: www.ofsted.gov.uk. You can also telephone or write to Ofsted to request an application pack is sent to you. Our contact details are available in paragraph 10. Please note that we are phasing out paper versions of application forms and from Autumn 2014 we will only accept applications via Ofsted Online. We will publish further information regarding this later in 2014.

55. You must always submit your **full** hard copy application to the address in paragraph 10. If you do not submit a full application this will be returned to you. A full application must contain all of the information in paragraph 56 except the form about any additional types of communication you intend to use.

Application pack contents

56. The application pack for a new registration contains:

- an application form (SC1)
- for each person listed as connected with the registration in the table above:
 - a declaration and consent form (SC2)*
 - a fit person questionnaire for the manager and the provider
 - a health declaration booklet*
- a financial reference form
- a registration fee form
- a leaflet on fees
- envelopes to return forms
- an application check list
- a form about any types of additional communication you intend to use
- a copy of this guide to registration.

* We provide two copies of each of these in our paper application packs. If you require further copies you can download these from our website (www.ofsted.gov.uk) or request additional copies by telephoning or writing to us using the details in paragraph 10.

Correspondence about your application

57. If we need to contact you about your application we send any correspondence by email or post to:
- an individual provider at the proposed address for the establishment or agency, or at the principal office used to carry out the administration, for the holiday scheme
 - an organisation or limited liability partnership at the organisation or limited liability partnership's office or address
 - a manager at his or her personal address.

Completing the application

58. You must **fully complete** all parts of the application pack and include all of the documents as set out in paragraph 56 with the registration fee in order for us to start processing your application. You should provide all other documents that are required with the initial application. If this is not possible these documents should be supplied as soon as possible. For detail of the other documents you must supply please refer to *Checklist for children's social care application*.³³ Delay may result in us being unable to reach a registration decision within our given timescales.³⁴
59. Please note that it is an offence if you knowingly make a statement that is false or misleading in an application.³⁵ Please remember that in general we do not ask applicants to resubmit information if this is incorrect or shows the person has a poor understanding of the establishment, agency or holiday scheme that they are intending to provide. Please see paragraph 8 for more detail.
60. If you or your organisation made a social care application after 30 September 2010 you are not required to supply us with information provided as part of the previous application, if that information has not changed.³⁶

³³ *Checklist for children's social care application* (70085), Ofsted, 2013;

www.ofsted.gov.uk/resources/checklist-for-childrens-social-care-application

³⁴ See paragraph 98 for information about our timescales.

³⁵ The Care Standards Act Section 2000 27(1); www.legislation.gov.uk/ukpga/2000/14/section/27.

³⁶ The Care Standards Act 2000 (Registration)(England) Regulations 2010, Part 2 (3); www.legislation.gov.uk/uksi/2010/2130/regulation/3/made.

The application form (SC1)

61. The SC1 application form asks for information about the people applying to register, the type of establishment or agency you intend to offer and the premises that you intend to use. It is available on Ofsted Online³⁷, by downloading a copy from our website³⁸ or by requesting this from our contact centre on 0300 123 1231.
62. You will be asked to tell us about any **conditions of registration** you are applying for.³⁹ Conditions of registration are restrictions on your registration and most commonly include the number of children and young people to be accommodated in a children's home or the type of adoption services you intend to provide. The conditions that will apply depend on the type of establishment or agency you are applying to register. You can find out more information about conditions of registration in annex A of this guide.

Disclosure and Barring Service (DBS) certificates

63. Before submitting your application to register an establishment or agency, everyone who is completing an SC2 Declaration and consent form as listed in the table above must have obtained one. The certificate must be at an enhanced level with barring information.
64. Everyone who needs a DBS certificate must either:
 - apply online through the Capita website⁴⁰ and be in receipt of the certificate before submitting their application, and join the DBS update service and give their consent for Ofsted to re-check their DBS status at least once every six months.
 - or
 - provide Ofsted with an enhanced certificate with information on barring carried out via another organisation and be a subscriber to the DBS update service, and give their consent for Ofsted to re-check their DBS status at least once every six months.
65. If you or anyone else who needs a certificate already has one, which was applied for through Ofsted, you should phone us on 0300 123 1231 to check with us to see if we will accept it as current. Alternatively, you may email us at enquiries@ofsted.gov.uk. You should give as much detail about your past registration with Ofsted as possible.

³⁷ Ofsted Online is available at: <https://online.ofsted.gov.uk/OnlineOfsted/default.aspx>

³⁸ Completing your application pack to be a social care provider <http://www.ofsted.gov.uk/children-and-families-services/for-children-and-families-services-providers/regulating-children-and-families-services/register-2>

³⁹ For full details of the conditions of registration please refer to The Care Standards Act 2000 (Registration)(England) Regulations 2010, www.legislation.gov.uk/uksi/2010/2130/made.

⁴⁰ Capita is the organisation contracted by Ofsted to carry out all DBS checks, you can apply online at <http://ofsteddbsapplcation.co.uk>

66. To start your DBS application online, you will need a 'Capita Organisation Reference', this is **OfSTEDP** (please note that the password at this stage is not required). There is further information about the DBS process including details concerning the fee, the arrangements for identity checking, the types of identity documents that are acceptable and how to complete the online application on the Capita website.⁴¹
67. You must also register with the DBS update service.⁴² Ofsted will not accept your application without confirmation that you have done this. You can register with the DBS update service once you have your DBS application form reference number or you can wait until you have your certificate. If you wait for your certificate **you must register with the update service within 19 days from the date your DBS certificate was issued**. If you fail to register within the timeframe you will need to apply for a new DBS check.
68. When the necessary checks have been carried out, the DBS will send the certificate to you. You must include your original certificate with your Ofsted application unless you applied for your certificate via the Capita website and the certificate shows no recorded information on it.⁴³ If there is a delay or you have a question regarding your DBS application you will need to contact Capita.⁴⁴
69. Once you, and everyone else connected with the application, have an enhanced certificate you can proceed with the application. Each person must put his or her DBS registration number on the *Declaration and consent form (SC2)*, confirm they subscribe to the DBS update service and give consent for Ofsted to check their DBS status at least once every six months. The SC2 form is available through Ofsted Online⁴⁵ or via our website.⁴⁶ When a provider applies to register online they will send everyone connected with the application an email which will contain a link to access the SC2 form. Individuals will not be able to access the form without this link.
70. Please note if you, or anyone connected with the application, does not, where required:
 - include an original DBS certificate that complies with our requirements
 - confirm subscription to the DBS update service
 - give consent for Ofsted to re-check the DBS status at least once every six monthswe will not accept your application.

⁴¹ As above

⁴² To register with the DBS update service go to: <https://www.gov.uk/dbs-update-service>.

⁴³ The certificate will state 'none recorded' in each section.

⁴⁴ Telephone 0870 850 2516 (Option 2) or email OfstedEnquiries@capita.co.uk

⁴⁵ Ofsted Online available at: <https://online.ofsted.gov.uk/OnlineOfsted/default.aspx>

⁴⁶ SC2 form Ref: 070082

<http://www.ofsted.gov.uk/resources/sc2-declaration-and-consent-form>

The declaration and consent form (SC2)

71. The declaration and consent form asks for your consent for us to carry out a series of checks and to use information from these to decide if you are suitable to be a registered provider or a registered manager. We carry out checks with:
- the Director of Children's Services in the area(s) where you live or have lived for the last five years
 - the Disclosure and Barring Service⁴⁷, including:
 - details of spent convictions normally exempt from disclosure under the Rehabilitation of Offenders Act 1974
 - the list of individuals barred from working with children
 - professional referees
 - where necessary any other person or organisation who has relevant information about you, or where we need further details to make a decision about your suitability, for example your general practitioner or another medical professional.
72. We use the information from the certificate to inform our decision about your suitability and fitness. We can ask to see your Disclosure and Barring Service certificate at any time. We may ask you to send this to us by post. You will also have to bring your original Disclosure and Barring Service certificate to any fit person interview we conduct.

Professional references

73. The declaration and consent form asks you for the details of two referees who can give you professional references. You should agree in advance with each referee that they are able to provide a reference and let them know what we will ask them to comment on (see paragraph 74). When we receive a complete application we ask the referees you have provided for information about you. Before we contact them we check the suitability of these two referees:
- One of the two referees must be your **most** recent employer. If this is not possible you should explain why in your application. We accept an employer's reference from the owner or director of an organisation. We do not usually accept a reference from anyone other than these people unless the employer gives us their written permission for a named person to supply a reference on their behalf.
 - The second reference must be from someone who has known you in a professional capacity and can comment on your work. It should also be from someone from a **different organisation** to your first referee.

⁴⁷ Capita is contracted to carry out all checks with the Disclosure and Barring Service on Ofsted's behalf.

- One of the two referees must have employed you for a minimum of three months.

74. Referees **must** be able to comment on:

- your ability to run, manage or supervise the type of establishment or agency for which you are making an application
- your skills and experience in relation to management and leadership, financial management, safeguarding and health and safety
- your honesty, reliability and trustworthiness
- your professional and technical qualifications
- any disciplinary investigation or action taken against you.

75. Where you put forward referees who do not comply with the guidance detailed in paragraph 73 or who are unable to give answers to the bullet points in paragraph 74, we may have to ask you to provide details of another referee. This is likely to delay our registration decision.

Five-year address history

76. We ask each individual who submits an SC2 to complete a five-year address history. We use this to carry out a check with the local authorities in all the areas where you have lived during this five-year period. We ask the local authorities listed to check their records to see whether:

- you have been subject to any child protection concerns; including whether you have had a child removed from your care
- there are records of you having any other involvement that might affect your ability to be a registered provider or a registered manager.

Fit person questionnaire

77. We assess applicants' suitability to provide or manage a children's social care establishment or agency and, as part of this interview, everyone who is listed as being connected with the registration in the table at paragraph 52.

78. To help you to prepare for the interview, we ask the provider and manager to complete a fit person questionnaire. This will also provide us with some information about your knowledge, skills and experience in relation to the establishment or agency you propose to carry on or manage. Please return this with your application. You can obtain a copy of the fit person questionnaire from our website⁴⁸, or you can telephone us on 0300123 1231 to request that

⁴⁸ Fit person questionnaires: registered manager and registered provider or responsible individual
<http://www.ofsted.gov.uk/resources/fit-person-questionnaires-registered-manager-and-registered-provider-or-responsible-individual>

we send this to you. You are able to upload the fit person questionnaire to Ofsted Online or return a hard copy to Ofsted at the address provided in paragraph 10. You may wish to retain a copy to help you at the interview. You will also need to bring original copies of the documents referred to paragraph 114 and 115.

Qualifications

79. Your qualifications are an important aspect of how Ofsted determines your fitness to register. As a manager you must demonstrate to Ofsted one of the following, you:
- hold the qualification outlines in service specific national minimum standards
 - have an equivalent level of qualification. To do this you will need to provide Ofsted with evidence from a body that awards the qualification specified in national minimum standards that the qualification/s you hold are equivalent.
 - do not hold the relevant qualification but are working towards attaining these. In this instance you will need to demonstrate that you have the necessary experience and skills⁴⁹ to manage the establishment or agency that you are applying to manage. You can submit copies of your qualifications through Ofsted Online or you can provide these to us by email or post these to us at the address provided in paragraph 10.
80. You are not required to submit copies of your qualifications as part of your initial application, but we prefer that you do. If you do not submit these as part of your initial application you should submit these as soon as possible and always before your registration interview. You must also provide the original versions of your qualifications at your fit person interview.

⁴⁹ The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005, Regulation 9(2)(b)(i)
 The Children's Homes Regulations 2001, Regulation 8(2)(b)(i);
 The Fostering Services(England) Regulations 2011, Regulation 7(2)(b)(i)
 The Residential Family Centre Regulations 2002, Regulation 7(2)(b)(i)
 The Residential Holiday Schemes (England) Regulations 2013, Regulation 7(2)(b)(i)

Health declaration booklet

81. Everyone who completes a declaration and consent form (SC2) must also complete a health declaration booklet and have it endorsed by his or her doctor. The booklet contains questions about your current and past health so that we can determine your mental and physical suitability to provide or manage a service for vulnerable children and young people or other service users. You must:
- complete section one of the health declaration booklet
 - take the health declaration booklet to your doctor to verify the information provided. You will need to provide the doctor with a stamped, self-addressed envelope so that he or she can return the health declaration booklet to you by post. The doctor may charge you a fee for completing this form
 - return the completed booklet(s) to us with your application or submit it as part of your online application.

The following documents are required for full applications to register an establishment or agency. These are not required as part of an application to register as the manager of an already registered establishment or agency.

Statement of purpose

82. You must have an individual statement of purpose for each establishment or agency you are applying to register.⁵⁰ You must submit this statement as part of your application. Its contents vary according to the type of establishment and agency that you intend to operate. The content must be specific to type of establishment or agency that you are applying to register. For example, if you are applying to register a children's home for disabled children you will need to demonstrate in your statement how you will meet the needs of the children and young people you intend to care for. You can submit the statement of purpose to Ofsted via Ofsted Online, by email or by post to the address provided in paragraph 10. Please note that we will not deem your application complete and commence processing this until you have submitted the statement of purpose.

⁵⁰ The Children's Homes Regulations 2001, Regulation 4;
www.legislation.gov.uk/uksi/2001/3967/regulation/4/made.
 The Fostering Services (England) Regulations 2011, Regulation 3;
www.legislation.gov.uk/uksi/2011/581/regulation/3/made.
 The Adoption Regulations 2003, Regulation 2;
www.legislation.gov.uk/uksi/2003/370/regulation/2/made.
 The Residential Family Centre Regulations 2002, Regulation 4;
www.legislation.gov.uk/uksi/2002/3213/regulation/4/made
 The Residential Holiday Schemes for Disabled Children (England) Regulations 2013, Regulation 3
www.legislation.gov.uk/uksi/2013/1394/regulation/3/made.

83. Broadly, the statement of purpose should cover:
- a statement of the aims and objectives, facilities and services to be provided
 - the name of the proposed registered provider and proposed registered manager (if applicable) and their relevant qualifications and experience
 - the proposed organisational structure
 - the numbers of staff who will be employed, their job roles and titles and the name and qualifications of any person you have already appointed
 - the arrangements for staff supervision, training and development
 - the age range, gender and which kinds of children's and young people's needs you intend to care for (children's homes and holiday schemes only)
 - admission and assessment criteria
 - a description of the underlying philosophy and ethos of the establishment or agency
 - important policies and procedures such as safeguarding, fire, consultation with people who use your establishment or agency, care planning, the arrangements for dealing with complaints, missing children, recruitment, behaviour management and the promotion of equality and diversity.
84. Where you intend to accommodate children or young people at a children's home in an emergency, you must put this in the statement of purpose. Once registered if you accept children or young people in an emergency, you must ensure that this would not breach any conditions of registration that are in place.
85. In essence, the statement shows that the provider and registered manager know the requirements placed on them by registration and understand how to meet them. It is therefore important that it is individual and specific to a particular establishment or agency. The provider, manager and senior staff must take ownership for ensuring that the document is up to date and remains appropriate. It is **not acceptable** to have one standardised statement of purpose for a number of establishments or agencies owned by one provider.
86. The statement of purpose is likely to be read by a wide range of people, including: placing authorities; children and their parents; inspectors; visiting professionals and staff.
87. It is therefore essential that the statement of purpose is:
- easy to understand
 - jargon free
 - easily accessible to all interested individuals

- kept up to date (if during the registration process you make changes to the statement of purpose this must be resubmitted to Ofsted as soon as possible). You can do this by email or by post only once your registration is in progress.
88. Inspectors use the statement of purpose as a blueprint of what to expect when they register and later when they inspect. We use this document as the basis for your regulatory accountability. When making an application it is important for applicants to get the statement of purpose right the first time. They must ensure that it covers all areas required by legislation and the needs of the children, young people or adult service users who they intend to provide for. Ofsted takes the quality of the statement of purpose an applicant submits into account when making its fitness decision
89. Once registered it is:
- an offence for the provider of an adoption support agency, voluntary adoption agency or a residential family centre to operate their service in a manner that is not consistent with their statement of purpose
 - an offence for the manager of an adoption support agency or a residential family centre to operate their service in a manner that is not consistent with their statement of purpose
 - a breach of regulations for the provider and manager of a children's home, an independent fostering service or a holiday scheme, to operate their service in a manner that is not consistent with their statement of purpose.
90. Providers must keep their statement of purpose up to date⁵¹ so that it describes the level and nature of the services provided at any time, the facilities that will be available to support service provision and the range of children's, and where appropriate adults' needs, that the establishment or agency caters for. Providers must therefore ensure that the statement of purpose is maintained in accordance with statutory regulations at all times. Any changes to the statement must be notified to Ofsted. Please see our guidance *Changes to children's social care services that are registered and/or inspected by Ofsted*.⁵²

⁵¹ [The Children's Homes Regulations 2001](#) as amended, Regulation 5. [The Adoption Support Agencies \(England\) and Adoption Agencies \(Miscellaneous Amendments\) Regulations 2005](#), Regulation 6. [The Voluntary Adoption Agencies and the Adoption Agencies \(Miscellaneous Amendments\) Regulations 2009](#), Regulation 4. [The Residential Family Centres Regulations 2002](#), Regulation 4 (4). [The Fostering Services \(England\) Regulations 2011](#), Regulation 4. [The Residential Holiday Schemes for Disabled Children \(England\) Regulations 2013](#), Regulation 4.

⁵² *Changes to children's social care services that are registered and/or inspected by Ofsted* (100253), Ofsted, 2011; www.ofsted.gov.uk/resources/changes-childrens-social-care-services-are-registered-and-or-inspected-ofsted.

Children and young people's guide or resident's guide

91. All establishments and agencies (but not holiday schemes) requiring registration must also produce a children's, or service user's guide.⁵³ This must comply with the requirements of service specific regulations.⁵⁴ The guide must meet the needs of the children, young people or adults you intend to provide services for, for example it must be in a format they can understand. You must submit the guide as part of a children's home application and we recommend you submit the guide with your application for all other establishments or agencies as this will help reduce the time required for the registration visit.

Behaviour management policy (children's homes and residential holiday schemes for disabled children only)

92. A behaviour management policy must be included with all applications to register a children's home or a holiday scheme. The policy must meet with requirements set out in legislation.⁵⁵

Missing child policy

93. A missing child policy should be included with all applications to register as a children's home and an independent fostering agency. The children's home and independent fostering agency's policies must comply with the definition of a missing child policy set out in legislation.⁵⁶

Financial reference

94. You must provide a financial reference, signed and/or stamped by your bank manager.⁵⁷ This must include details about the viability of the proposed establishment or agency. There is a form for a financial reference included within the application pack. We prefer you to use this form but you can supply the detail listed below in other ways. However, your financial information must be submitted at the time you first make your application. Where you make an application via Ofsted Online you can download the financial reference form from our website, get this completed by your bank manager and upload the

⁵³ The Care Standards Act 2000 (Registration)(England) Regulations 2010, Regulation 3(2)(b) Schedule 2, 10, Regulation 3(4) Schedule 4, 13; www.legislation.gov.uk/ukxi/2010/2130/made.

⁵⁴ The Children's Homes Regulations 2001, Regulation 4(3);

www.legislation.gov.uk/ukxi/2001/3967/regulation/4/made.

The Fostering Service (England) Regulations 2011, Regulation 3(3);

www.legislation.gov.uk/ukxi/2011/581/regulation/3/made.

The Adoption Support Agency Regulations 2005, Regulation 5(1)(5) (required for adoption support agencies who provide services to children); www.legislation.gov.uk/ukxi/2005/691/regulation/5/made.

The Residential Family Centre Regulations 2002, Regulation 4(3);

www.legislation.gov.uk/ukxi/2002/3213/regulation/4/made.

⁵⁵ The Children's Homes Regulations 2001, Regulation 17, The Residential Holiday Schemes for Disabled Children (England) Regulations 2013, Regulation 16.

⁵⁶ The Children's Homes Regulations 2001 as amended by The Children's Homes and Looked after Children (Miscellaneous Amendments) (England) Regulations 2013, Regulation 3(a) &(b)

⁵⁷ This does not apply where the applicant is a local authority.

completed form as part of your application. You can also send it to us by post or you can email it to us using the information in paragraph 10.

95. A financial reference must contain:

- the name and address of your bank manager
- details of the service you are applying to register
- details about why you are asking for a banker's reference for Ofsted
- details about your financial position
- details about your reliability to run the establishment or agency you have applied to register.

Fees

96. If you make an application via Ofsted Online we will verify that you have provided all the necessary information for us to process your application. If we find your application complete you will receive a message which explains how to pay the fee online. Please note that we will only commence processing your application once we have received your full application fee.

97. If you submit your application by post you must complete and return the fees form together with a cheque for the relevant fee made payable to 'Ofsted'. Please make sure your cheque is signed and dated. We will return any application which is not submitted with the relevant fee.

Application checklist

98. To ensure that we can deal with your application in a reasonable timescale, we only accept complete applications. To help you ensure that your application is complete you will not be able to submit the application on Ofsted Online if it is incomplete. We also provide an application checklist with each application pack. Please complete the checklist and send it back with your application.

99. Responsibility for providing all the information we require to make our registration decision rests with you. You must check that information we require is submitted or available to us. For example, you must ensure that we receive responses to our requests for references and that the premises you propose to operate from are ready for use when you apply for registration.

Types of communication systems you intend to use

100. We ask you to download, complete and return with your application a form about any communications systems you intend to use regularly, such as Makaton or Widgit. There is a list of commonly used communication systems on the form and we have left space for you to add any others you use that are not listed. We use this information to help us communicate better with the children or young people for whom you wish to provide a service. This form can be

uploaded to an application made via Ofsted Online. You can also return it to Ofsted by post or email. Our postal and email addresses are available in paragraph 10.

101. If you do not use any specific communication system with children and young people you do not have to return this form with your application. We **do not** consider your application incomplete because you have not returned a copy of the 'types of communication systems used at an establishment or agency' form. However, we would prefer that you send this with your initial application.

Planning permission

102. You must supply Ofsted with information about whether planning permission is required for **all** applications except holiday schemes. You must check with the local authority planning department whether or not planning permission is required. You must provide Ofsted with a copy of one of the following:
- evidence that planning permission was required and granted
 - evidence from the local authority planning department that no planning permission is needed.
 - evidence of a certificate of lawfulness if issued by the local authority.
103. If you are applying to register a **holiday scheme**, you **do not** have to obtain planning permission, but you must check that the use of the premises as a holiday scheme does not require any changes to existing planning permission. You will be asked about this at the registration visit.
104. We **strongly recommend** that you **obtain the evidence listed in paragraph 56** before you apply for registration to Ofsted. You should supply as much information as possible as part of your initial application but always what is required as a minimum for us to commence processing your application. Later submission can lead to delays in our registration decision or may negatively affect our decision if you do not submit all of the necessary information. If you experience any problems whilst obtaining planning permission or evidence that permission is not required, please contact us using the details provided in paragraph 10.

Certificate of insurance

105. You must provide a valid certificate of insurance in respect of death, injury, public liability, damage or other loss, before registration.⁵⁸ The certificate must show that there is public liability insurance cover for your service. Where an organisation has a corporate insurance policy, the certificate may not list every premises, but you must be able to demonstrate that the establishment or

⁵⁸ Regulation 3(2)(b), Schedule 2, paragraph 8 of The Care Standards Act 2000 (Registration) (England) Regulations 2010.

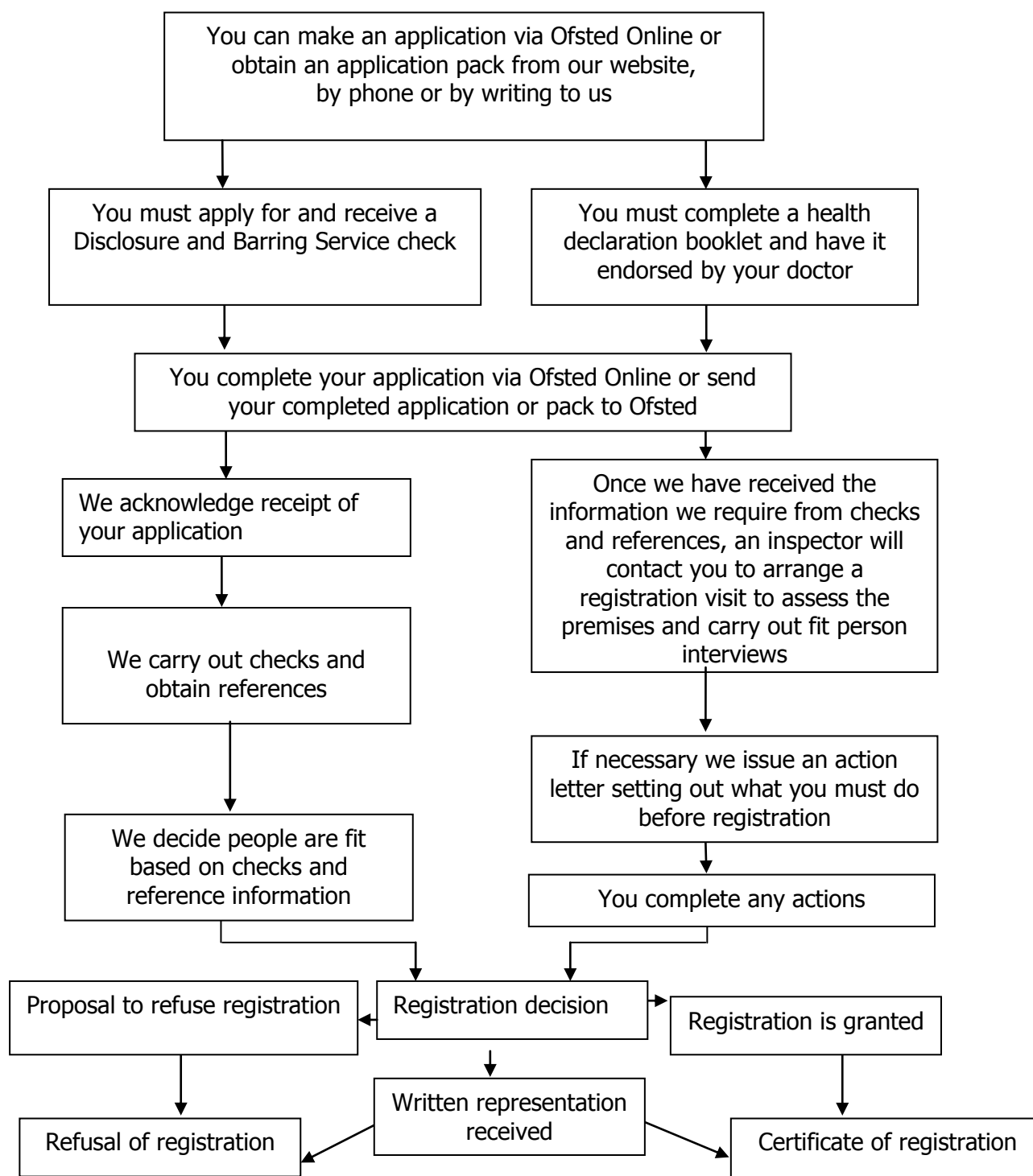
agency that you are applying to register is covered. The certificate can be uploaded to an application made via Ofsted Online as well as returning by post or email to the addresses in paragraph 10.

What happens next?

106. We aim to complete the registration process within 16 weeks of receiving a complete application for a new establishment, agency or holiday scheme and within 12 weeks for a proposed registered manager of an already registered establishment or agency. The flowchart below shows the steps of the application process.
107. Please note that applications are not subject to tacit approval under the European Union (EU) Services Directive. Tacit approval relates to a situation in which an authority does not process an application for registration within the published timescales and the application as a result becomes deemed as having been granted. It does not apply to applications to Ofsted for registration as a children's social care provider because different arrangements are in place for overriding reasons relating to the public interest, namely the need to safeguard and protect children's welfare.⁵⁹
108. When we have received your application we assess it to see whether it is complete. If an application via Ofsted Online is:
 - incomplete - you will not be able to submit it to Ofsted
 - complete - we will start to process your application once you have sent us the relevant application fee.
109. If a hard copy application is:
 - incomplete - we will return the whole application to you
 - complete and includes the relevant application fee - we start to process your application.

⁵⁹ Provision of Services Regulations 2009, Regulations 19(5) and (6); www.legislation.gov.uk/ukqi/2009/2999/contents/made.

110. The following is a diagram of the registration process:



The registration visit

111. We aim to undertake one registration visit for each applicant. During the visit we assess the premises and services you intend to provide, and interview all those connected with the application. For holiday schemes we do not assess the premises, but we will arrange to interview you to discuss the service you intend to provide and the detail in your application form. We do not usually carry out the registration visit and fitness interviews until we have received all the other required information from checks and references.
112. In some cases it may be necessary to make more than one visit during the registration process if several people need to be interviewed. For example, if a partnership is registering and we need to interview several partners as well as the manager.

How can I prepare for the inspector's registration visit?

113. The inspector's role at the registration visit is to assess:
- whether the proposed services protect and promote children, young people and adult service users' safety and welfare
 - your fitness to provide or manage an establishment or agency
 - whether the proposed premises are safe and suitable for the purposes intended in the application (please note, this does not apply to holiday schemes).

What documents do I need to show the inspector during the registration visit?

114. You must provide identity documents that prove your current name and any other names you have used. These are:
- photographic identification such as a current passport or a new-style driving licence
 - your full birth certificate
 - evidence of any change of name. If you have changed your name by marriage, deed poll, adoption, statutory declaration or any other means you need to provide evidence of this change, for example a marriage certificate or decrees

- two pieces of evidence confirming your current address, for example:
 - a utility bill (gas, telephone, electricity)
 - a credit card, bank or mortgage statement
 - any recent communication from your Local Authority or a government agency, for example the Department for Work and Pensions or HM Revenue and Customs.
115. You must bring original copies of your qualifications (the inspector will ask to see any certificates you have) and your Disclosure and Barring Service certificate to your interview. We do not accept photocopies.
116. The inspector will ask questions about your understanding of important aspects of your establishment or agency, such as how you propose to lead and manage the service, safeguarding, staff recruitment and management, how your proposed establishment or agency intends to promote good outcomes for children, and your professional knowledge. Inspectors base the interview on your completed pre-registration questionnaire, the statement of purpose, children's guide or service user guide (where applicable) and any other information we have about you.
117. Inspectors expect to see all the policies and procedures you need to have in place for registration, as set out in the relevant national minimum standards and regulations for each establishment or agency. Further information about which policies and procedures you need are in our introductory guides.
118. You must have available all the necessary certificates relating to the premises (please note, this does not apply to holiday schemes). There are more details about the evidence we need for the premises below. We need to see, for example, the landlord's gas safety certificate, electrical installation test certificate, portable appliance testing, certificates for equipment (for example lifts, hoists) and insurance certificates.
119. You must have available all recruitment records for the staff you have recruited before the registration visit, including those of the proposed manager and, where applicable, the responsible individual. We will want to see the records for a responsible individual where this person has not been assessed by us at a previous registration. If you normally hold these elsewhere please arrange for them to be available for the inspector at the registration visit.

The premises of the proposed establishment or agency

120. You must demonstrate to us that the premises you propose to use are fit for purpose (please note, this does apply to holiday schemes). We require evidence that the premises comply with:

- national and local planning, building and environmental legislation including disability discrimination requirements where appropriate.⁶⁰ We accept written confirmation from the local authority planning department that the premises meet their requirements. If planning permission is required then we must see a copy to show this has been granted. If planning permission is not required, we must see confirmation of this. You must show us a copy of these documents at the registration visit unless you have already submitted it to Ofsted as part of the application.
- fire regulations. We accept a certificate from a local authority that the premises comply with building regulations, certificate of lawful completion and/or written confirmation from the local fire authority
- environmental health regulations. This is only necessary for establishments where food is to be prepared. We accept written confirmation from the local authority environmental health department or planning department that the premises meet the required standards.

121. Regulations require that you must provide a certificate of insurance in respect of death, injury, public liability, damage or other loss.⁶¹ The certificate must show that there is public liability insurance cover for the establishment or agency. If your organisation has a corporate insurance policy the certificate may not list every premises that is covered. If the name and the address of the establishment or agency are not included on the certificate you must demonstrate that it is covered.

Outcome of the visit

122. Before leaving, the inspector will tell you the outcome of the visit. The inspector will:

- set out any actions you must take before we can make a final decision about your application. You must meet any actions we set before we can grant registration. Where this is the case we will follow up our discussion with you at the registration visit with a letter
- usually tell you whether he or she proposes to recommend that we grant or refuse registration.

⁶⁰ Disability Discrimination Act 1995; www.legislation.gov.uk/ukpga/1995/50/contents.

⁶¹ The Care Standards Act 2000 (Registration)(England) Regulations 2010, Regulation 3(2)(b) Schedule 2 Regulation 8.

- tell you if he or she needs to take further advice about the outcome of our registration visit, receive additional information or complete outstanding checks before we can make a registration decision. This does not necessarily mean we have concerns about your ability to provide the service. If we do not have enough information we will tell you our reasons and discuss when we expect to be able to tell you about our decision. This could be via a further meeting or via a telephone conversation.

123. If the inspector is going to recommend registration, he or she will discuss any conditions of registration that you have requested or confirm that no conditions of registration are necessary. Any conditions that inspector agrees must follow our guidance in Annex A. We can impose any conditions of registration we think necessary in order to safeguard and promote the welfare of children, young people and other service users. However, you can make written representation to us and subsequently appeal to the First-tier tribunal if we decide to impose a condition of registration that you do not agree to.

What happens after the registration visit?

124. Once we have all the information from the visit and checks we make a decision about whether or not to register the establishment or agency. If we agree your registration you must not start to operate until you have a certificate of registration.

Letter regarding actions that must be taken before a registration decision can be made

125. Where the inspector decided at the visit that you needed to take further action to meet the regulations and service specific national minimum standards, we send you a letter detailing what action you must take before our decision can be made. This sets out what you need to do and by when.
126. You must reply to us telling us what you have done to meet any action required by the date we set in the letter. We may visit to check the actions you have taken. If we do not receive your response by the date set we make a decision about your application based on the information available to us. It is therefore important that you respond within the timescale set.

Registration decision

127. When we have completed the registration visit, all the checks are complete and, where necessary, we have received your response to an actions letter, we decide whether to grant registration or refuse your application.

128. If we propose to grant registration, we will send you a:
- notice of decision to register, if the decision was to register with no conditions or agreed conditions; or
 - notice of proposal to register, if we decide to impose conditions to which you have not agreed.
129. If we intend to refuse registration we will send you a notice of our proposal to do so. Refusing registration is a serious step and may adversely affect any subsequent application you wish to make. Refusal to register in relation to a children's home disqualifies an individual from being a private foster carer providing, managing, working in or having a financial interest in a children's home and from providing childminding or childcare.⁶² It will also be taken into account if you make application to register any other type of establishment or agency, or want to become a registered manager.
130. Where we issue a notice of proposal to refuse registration or to impose conditions on your registration you may object to our proposal by making a written representation to us. You may thereafter also appeal against any notice of decision we make regarding your registration.
131. If you intend to make a written representation, you must do so within 28 days of the date that we serve you with the notice of proposal. Please see the 'Representations' section of the *Social care compliance handbook* for more details.

Your registration certificate

132. If we decide to register you, we issue a certificate of registration. The certificate includes:
- your registration number
 - the name of the Registered Provider
 - the name of the Registered Manager (if applicable)
 - the name of the responsible individual (if applicable)
 - the name and address of the service
 - date of registration
 - any conditions that apply to your registration.
133. The law requires you to display the certificate. If you lose, damage or destroy your certificate, you must apply to us for a replacement. Your certificate remains valid until it is replaced by a subsequent certificate, we cancel your

⁶² Further information on this is available in the 'Disqualification and written consent' section of the *Social care compliance handbook*.

registration or you voluntarily cancel your registration:
www.ofsted.gov.uk/publications/070094.

134. Please be aware that you are required by law to return your certificate to us if you receive a new certificate, if we cancel your registration or if you voluntarily cancel your registration.⁶³

Withdrawing your application

135. During the registration process you may change your mind about continuing your application to register as a children's social care provider or manager. You must tell us in writing if this is what you decide in order to stop the registration process. If you do not tell us that you want to withdraw your application, then we will continue the process and may have to refuse your registration if you have not supplied all the information necessary. If you decide to withdraw your application, the application fee is non-refundable.

Changes to an application we are processing

136. If you want to change your application before we have granted registration you must write to tell us about changes:⁶⁴

- to the name or address of the proposed provider, responsible individual or manager
- to members of a partnership
- of director, manager, secretary, trustee, clerk, treasurer or other similar officer of the organisation.

If you do not tell us about these changes it will delay registration or may result in our refusing your registration.

Applications made by existing registered providers

137. You may choose to expand or change your business by:

- applying to register a new establishment or agency
- buying an existing registered establishment or agency
- changing the premises you use to provide your service
- appointing a new registered manager
- changing your legal entity, for example from a partnership to a company
- selling a franchise.

⁶³ This is a legal requirement under Regulation 9 of The Care Standards Act 2000 (Registration)(England) Regulations 2010.

⁶⁴ Regulation 6 of The Care Standards Act 2000 (Registration)(England) Regulations 2010.

Most of these changes require a new application. You may not need to submit a full application if you already hold a registration with us. You only need to supply the information necessary for us to make a registration decision. Where a provider sells a franchise it is the franchisee (buyer) who must register.

138. There is more information about the information you need to supply for these types of change in our guidance *Changes to children's social care services that are registered and/or inspected by Ofsted*.⁶⁵

Once you are registered

Continuing registration

139. You must continue to demonstrate your continued suitability to be a social care provider or registered manager throughout the time that you remain registered. We expect you to reflect on your practice and consider how you might improve on what you do. We give you more information about this with your certificate of registration.
140. We monitor your continued compliance through:
- inspection
 - other visits, for example to follow up any concerns we receive about the service you provide
 - repeating or carrying out additional checks where we receive information that brings your fitness into question, including a check on your DBS status at least once every six months (for those who subscribe to the DBS online update service).⁶⁶
141. There are certain changes that you must tell us about once you are registered. There is more information about this in our guidance *Changes to children's social care services that are registered and or inspected by Ofsted*.⁶⁷ You should familiarise yourself with the detail in this guidance if we agree your registration.

Inspection

142. After your registration we inspect your establishment or agency within a short time. This is normally within seven months of registration for children's homes, between seven and 12 months for residential family centres, independent

⁶⁵ *Changes to the children's social care services that are registered and/or inspected by Ofsted* (100253), Ofsted, 2011; www.ofsted.gov.uk/resources/changes-childrens-social-care-services-are-registered-and-or-inspected-ofsted.

⁶⁶ From September 2014 all applicants must subscribe to the DBS online update service and give consent for Ofsted to check their DBS status.

⁶⁷ *Changes to children's social care services that are registered and or inspected by Ofsted* (100253), Ofsted, 2013; www.ofsted.gov.uk/resources/changes-childrens-social-care-services-are-registered-and-or-inspected-ofsted

fostering agencies, voluntary adoption agencies and adoption support agencies, and during the first period of operational time for holiday schemes.

143. The decision about when we conduct the first inspection after registration is dependent on whether you are providing services to children and young people or other service users. Following this inspection we will inspect your establishment or agency at intervals set in the law. There are different intervals for each type of establishment or agency set in regulations.⁶⁸
144. The inspector will judge the quality of the care and support you provide and write a report. We will send you the report and publish a copy on our website.
145. You can find more information about the inspection of social care services on our website.

What other visits might inspectors make?

146. We may visit at other times, for example:
 - to monitor how you have met any statutory requirements set at an inspection
 - to consider a request to vary the conditions of your registration⁶⁹
 - because you have applied to change your registration in some way
 - because we have received a complaint from a child or young person, parent or other person that brings into question your continued registration.
147. After these visits you will receive a letter that sets out the outcome of the visit. This may include any action we take or intend to take to bring about compliance with requirements for registration.

Sharing your information

148. We will process any personal information we hold about you in accordance with the law, and in particular the Data Protection Act 1998. Under this act you can request in writing to see any information we hold about you.
149. Ofsted uses the information from checks and any interviews to make a decision about your fitness to work with or be in regular contact with children. It may be

⁶⁸ Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections)(Children's Homes etc.) Regulations 2007;
www.legislation.gov.uk/uksi/2007/694/contents/made.

⁶⁹ For information about changes to conditions of registration once an establishment or agency is registered please refer to our guidance *Changes to children's social care services that are registered and or inspected by Ofsted* www.ofsted.gov.uk/resources/changes-childrens-social-care-services-are-registered-andor-inspected-ofsted.

necessary to repeat these checks from time to time in order to assess your on-going fitness.

150. We may provide information about social care providers to other government departments and local authority departments such as social work teams.
151. We may also give information to a local authority, or the police, if there are any concerns about the welfare of children and young people in a provider's care.
152. When providing information to someone who does not work for a local authority, the police or the Department for Education, we cannot provide the following details.⁷⁰
 - Children's homes
 - Name address and telephone number of the home
 - Date and any compliance action
 - An inspection report that contains the name and address of the children's home or any other information that could identify the home.
 - Residential family centres, fostering agencies, voluntary adoption agencies, adoption support agencies and holiday schemes
 - Name, address and date of birth of each person registered
 - Address of registered or principal office (for organisations only)
 - Name and address of any responsible individual (for organisations only)
 - Date and nature of any compliance action.

⁷⁰ The Care Standards Act 2000 (Registration)(England) Regulations 2010 Regulation 7 (4) and (5).

Further help with applications to register

153. If you require help with a query that is not covered in this guidance or you do not understand what you need to do in your particular circumstances please contact us by:

- telephoning our help line 0300 123 1231
- writing to us asking for the information at the following address:
Ofsted
Piccadilly Gate
Store Street
Manchester
M1 2WD.

154. We provide regular updates about all aspects of our work on our website. We produce a free newsletter called *Ofsted News*, which we recommend you subscribe to. This includes information about changes to the way we register and inspect social care establishments and agencies. You can subscribe to the newsletter through <http://live.ofsted.gov.uk/newsletter/> or read the latest version at <http://www.ofsted.gov.uk/news/ofsted-news/professionals>.

Complaints

155. The great majority of Ofsted's work is carried out smoothly and without incident. If concerns arise during registration, these should be raised with the inspector or the applications team as soon as possible. This provides an opportunity to resolve the matter before the registration is completed.

156. If it has not been possible to resolve concerns through these means, a formal complaint can be raised under Ofsted's complaints procedure:
www.ofsted.gov.uk/resources/130128.

Annex A: Conditions of registration for social care establishments and agencies and categories of registration for children's homes and voluntary adoption agencies

Introduction

1. This annex sets out Ofsted's approach to applying conditions of registration for children's social care services under the Care Standards Act 2000 (Registration) (England) Regulations 2010.⁷¹ It replaces all previous Ofsted guidance on setting conditions of registration and categories of registration in social care.
2. The application of this policy is intended to meet our legal obligations under the Care Standards Act 2000 (Registration) (England) Regulations 2010, while being consistent and transparent in our practice. Section 13(3) of the Care Standards Act 2000⁷² provides that Ofsted may grant an application for registration unconditionally or subject to any conditions that it thinks fit.
3. We only apply conditions of registration to:
 - protect children young people and adult service users
 - address specific issues relating to a particular establishment or agency or service type:
 - adoption support agency
 - children's home
 - independent fostering agency⁷³
 - residential family centre
 - holiday scheme
 - social work providers (see separate guidance for all issues relating to social work providers)⁷⁴
 - voluntary adoption agency.
4. It is not Ofsted's intention to prevent the development of diverse and innovative provision for children and young people by imposing unnecessarily restrictive conditions on a registration.

⁷¹ Care Standards Act 2000 (Registration) (England) Regulations 2010; <http://www.legislation.gov.uk/ukxi/2010/2130/contents/made>.

⁷² Care Standards Act 2000; <http://www.legislation.gov.uk/ukpga/2000/14/contents>.

⁷³ Although no conditions of registration are normally applied to independent fostering agencies, the guidance on imposing conditions and specific conditions remains valid.

⁷⁴ *Guide to registration for providers of social work services* (130234), Ofsted, 2013; www.ofsted.gov.uk/resources/guide-registration-for-providers-of-social-work-services

5. For consistency, Ofsted:
 - has set wording for some frequently used conditions of registration
 - has guidance on how we impose individualised conditions of registration
 - uses numerals and not words on certificates of registration: for example '6' and not 'six'.

6. We only apply conditions of registration that do not:
 - duplicate any requirements placed on providers and/or managers by the Care Standards Act 2000, or regulations made under this Act
 - conflict with or exempt a provider or manager from complying with any of the regulations made under the Care Standards Act 2000
 - name an individual other than the registered person(s), as we have no powers to make or enforce conditions other than those that apply to registered person(s).⁷⁵

7. For guidance on how a provider can request to vary their conditions after registration please refer to our guidance *Changes to children's social care services that are registered and/or inspected by Ofsted*.⁷⁶ For guidance in relation to when Ofsted will impose, remove or vary a provider's conditions of registration please refer to service specific guidance on how Ofsted conducts their inspections.⁷⁷

⁷⁵ 'The registered person' covers both the registered provider and registered manager.

⁷⁶ *Changes to children's social care services that are registered and/or inspected by Ofsted*, (100253), Ofsted, 2014; www.ofsted.gov.uk/resources/changes-childrens-social-care-services-are-registered-and-or-inspected-ofsted.

⁷⁷ *Conducting inspections of adoption support agencies* (120186), Ofsted, 2012; www.ofsted.gov.uk/resources/conducting-inspections-of-adoption-support-agencies-guidance-for-inspections-of-adoption-support-age
Conducting inspections of children's homes (100194), Ofsted, 2014; www.ofsted.gov.uk/resources/conducting-inspections-of-childrens-homes-0
Conducting inspections of independent fostering agencies (130205), Ofsted, 2013 www.ofsted.gov.uk/resources/fostering-conducting-inspections-of-independent-fostering-agencies
Conducting inspections of residential holiday schemes for disabled children (130197), Ofsted, 2013 www.ofsted.gov.uk/resources/conducting-inspections-of-residential-holiday-schemes-for-disabled-children-interim-guidance-for-ins
Conducting inspections of residential family centres (130055), Ofsted, 2013 www.ofsted.gov.uk/resources/conducting-inspections-of-residential-family-centres
Conducting inspections of voluntary adoption agencies (130206), Ofsted, 2013 www.ofsted.gov.uk/resources/adoption-conducting-inspections-of-voluntary-adoption-agencies

Children's homes

8. Ofsted always applies one condition of registration to all children's homes, including secure children's homes. This condition sets out the total number of children and young people that can be accommodated at the home. The overall number is based on the total number of children and young people that an applicant applies to accommodate. The condition is worded as follows.

The registered person:

- may only provide care and accommodation for up to XX (number of) children.
9. If Ofsted considers that the applicant is applying to accommodate too many children this will be taken into consideration within our registration decision and may result in refusal.

Accommodating children and young adults in a children's home

10. Where an applicant intends to provide care and accommodation for children and young adults aged 18 and over, Ofsted applies for the following condition.

The registered person:

- must reduce the number of children by the number of people aged 18 and over for which it also provides care and accommodation.

Please refer to *Guidance on inspecting and regulating children's homes with accommodation for adults (wholly or mainly a children's home)*,⁷⁸ which provides information about the numbers of adults living at the children's home in comparison to the number of children and young people that a children's home can accommodate.

Accommodating a mother and baby at a children's home

11. Where an applicant intends to provide care and accommodation for a mother and her child, the overall numbers that the home can accommodate (see paragraph 8) will include the baby. Applicants must take this into consideration when applying for registration to accommodate a mother and baby at a children's home. However, if the children's home is to be registered as a single-bedded home, this condition will not be applied.

⁷⁸ *Guidance on inspecting and regulating children's homes with accommodation for adults (wholly or mainly a children's home)* (100116), Ofsted, 2010; www.ofsted.gov.uk/resources/100116.

Single gender occupancy

12. If an applicant intends to offer care and accommodation to only boys or only girls Ofsted applies the following condition to the children's home. This is based on information within the application submitted.

The registered person:

- may provide care and accommodation for single gender occupancy only.

Multi-sites

13. If an applicant applies to register a children's home that operates over more than one site the provider must ensure that they meet Ofsted's guidance on multi-sites.⁷⁹ Ofsted will apply the following condition of registration if the proposals meet this guidance.

The registered person:

- may only provide care and accommodation for up to x children at >insert name of site< and a further x children at >insert name of site<

Mobile services

14. An applicant may apply to provide what Ofsted refers to as a 'mobile' children's home. We have specific guidance about such services *Guidance for mobile services*.⁸⁰
15. We apply some specific conditions to this type of children's home. These depend on way in which the mobile children's home intends to operate. The conditions are likely to include the following.

The registered person:

- must inform Ofsted whenever any child placed with the service stays at any location other than the establishment's address
- must keep Ofsted informed of the location of the barge/caravan etc. (complete as applicable) at all times
- must ensure that the maximum stay for any one child does not exceed 120 days
- must carry out written risk assessments which are regularly reviewed for any accommodation the provider intends to use.

⁷⁹ *Guidance on the inspection of multi-site children's homes* (080239), Ofsted, 2012; www.ofsted.gov.uk/resources/guidance-registration-of-multi-site-childrens-homes

⁸⁰ *Guidance for mobile services* (100252), Ofsted, 2011; www.ofsted.gov.uk/resources/100252.

Short breaks children's homes

16. Ofsted applies the following condition of registration to a children's home that only provides short breaks.

The registered person:

- may only accommodate children or young adults under short break arrangements and not for children or young people to live permanently at the home.

17. Ofsted applies the following condition of registration to a children's home that where children and young people have short breaks and live permanently in two different units within one children's home.

The registered person:

- may only provide care and accommodation for up to x children under short break arrangements in >insert name of unit<.
- may only provide care and accommodation for up to x children to live permanently at >insert name of unit<.

18. As part of the registration of a children's home that provides short breaks and a permanent home for children and young people, an inspector checks whether:

- the statement of purpose, children's guide or guides, and policies and procedures take full account of the differing needs of children and young people who receive short breaks and children and young people who live at the home.
- children and young people feel secure where they live. Routines ensure that children who are at the home for short periods benefit from well established procedures that meet their needs. There is evidence to demonstrate that already vulnerable children and young people who need routines and clear boundaries will not be unsettled and further disadvantaged by combining permanent and short breaks.
- the staffing arrangements and numbers of staff on duty take sufficient account of the differing needs of children and young people who come to stay at the home for short breaks and those living permanently in the home
- there are satisfactory arrangements in place to support all children and young people to develop and sustain friendships and allow for them to invite friends back to stay where this is safe.

Categories of registration for children's homes

19. Categories of registration for children's homes are intended to provide an indication of the types of children and young people's needs that a particular home caters for. The categories of registration for a children's home are identified in regulation as:
 - children with emotional and/or behavioural difficulties (EBD)
 - children with physical disabilities (PD)
 - children with learning disabilities (LD)
 - children with mental disorders, excluding learning disability (MD)
 - children with present drug dependence (D)
 - children with present alcohol dependence (A)
 - children with sensory impairment (SI).⁸¹
20. Children's home can have more than one category of registration. Paragraphs 27 to 38 of this annex provide additional guidance on definitions for each type of category of registration for children's homes.

Deciding which categories of registration should apply to a children's home

21. The applicant must decide what they want to include as categories of registration when they apply to register the children's home.⁸² The intended overall operation of the home influences what categories of registration a provider should apply for. An inspector takes account of any categories that an applicant applies for during the registration process, assessing how the applicant's proposed services would meet these.

Wording categories of registration for children's homes

22. Conditions of registration in relation to categories of registration for children's homes usually state 'may provide care and accommodation...'. If Ofsted considers it necessary to restrict the types of needs a children's home caters for the wording is changed to state 'may only provide care and accommodation...'.

⁸¹ The Care Standards Act 2000 (Registration) (England) Regulations 2010.

⁸² Care Standards Act 2000, section 12(2)(b).

23. The following wording is used when Ofsted applies a category of registration. The registered person:
- may provide care and accommodation for children with emotional and/or behavioural difficulties (EBD)
 - may provide care and accommodation for children with physical disabilities (PD)
 - may provide care and accommodation for children with learning disabilities (LD)
 - may provide care and accommodation for children with mental disorders, excluding learning disability (MD)
 - may provide care and accommodation for children with present drug dependence (D)
 - may provide care and accommodation for children with present alcohol dependence (A)
 - may provide care and accommodation for children with sensory impairment (SI).
24. It is possible to combine the above list of categories, as illustrated by the example below. The registered person:
- may provide care and accommodation for children with sensory impairment, learning disabilities and physical disabilities.

Children's homes with no categories of registration

25. We do not generally apply any categories of registration to secure children's homes.
26. Other children's homes can be registered without applying any of the categories of registration. We only do this where the home does not fit into any of the categories, for instance, where the home is intended to provide services for young mothers and their babies.

Additional guidance on categories of registration for children's homes

Children with emotional or behavioural difficulties (EBD)

27. An emotional or behavioural difficulty is considered to be where children have a difficulty with interpersonal relationships and behaviour but it is not formally associated with mental disorder.

Children with physical disabilities (PD) and children with learning disabilities (LD)

28. Disability is defined in the Equality Act 2010 as:

'a physical, (children with physical disabilities (PD)), or mental impairment, (children with learning disabilities (LD)), which has a substantial⁸³ and long-term adverse effect on a person's ability to carry out normal day-to-day activities.'

29. The effect of an impairment is long term if it has lasted at least 12 months, or if it is likely to last at least that long, or if it is likely to recur if in remission. The impairment must affect a person's ability to carry out normal day-to-day activities, which means it must affect one of the following:

- mobility
- manual dexterity
- physical coordination
- continence
- ability to lift, carry or otherwise move everyday objects
- speech, hearing or eyesight
- memory or ability to concentrate, learn or understand
- perception of the risk of physical danger.

30. In considering what an adverse effect is, the fact that a person can, with great difficulty and effort, carry out the activities, does not mean that their ability to carry them out has not been impaired. In addition, where the person is on medication or their impairment can be controlled or corrected by medical treatment or the use of an aid, consideration must be given to how the activities would have been affected without the medication or aid.

⁸³ 'Substantial' is taken to mean more than minor or trivial.

Children with mental disorders, excluding learning disability (MD)

31. The Mental Health Act 1983, as amended, provides the following definitions.

- 'Mental disorder' means any disorder or disability of the mind and 'mentally disordered' shall be construed accordingly.⁸⁴
- A person with a learning disability shall not be considered by reason of that disability to be:
 - suffering from mental disorder for the purposes of the provisions mentioned in subsection (2B) below
 - requiring treatment in hospital for mental disorder for the purposes of sections 17E and 50 to 53, unless that disability is associated with abnormally aggressive or seriously irresponsible conduct on his part.⁸⁵

32. Where a child has a substantial level of mental health problems, we consider this falls within the category of emotional and behavioural difficulties unless a formal medical diagnosis has been given.

Children with present drug dependence (D)

33. 'Drug misuse is when a person regularly takes one or more drugs to change their mood, emotion or state of consciousness. One of the biggest risks of drug misuse is that you can develop a drug addiction.'⁸⁶

34. Unless a formal medical diagnosis of drug addiction has been given to a child, and the children's home's aims and objectives are to undertake detox programmes, the category of children with present drug dependence (D) should not be applied.

Children with present alcohol dependence (A)

35. There are many definitions of alcohol dependence. A helpful definition can be found in the Driver and Vehicle Licensing Agency (DVLA) guidance, which Ofsted will apply. The DVLA guidance⁸⁷ defines alcohol misuse as:

'a state which, because of consumption of alcohol, causes disturbance of behaviour, related disease or other consequences, likely to cause the patient, his/her family or society harm now, or in the future, and which may or may not be associated with dependency.'

⁸⁴ Mental Health Act 1983, section 1(2); <http://www.legislation.gov.uk/ukpga/1983/20/contents>.

⁸⁵ Mental Health Act 1983, section 1(2A).

⁸⁶ *Drug misuse*, NHS Choices; www.nhs.uk/conditions/drug-misuse/Pages/Introduction.aspx.

⁸⁷ At a glance to the current Medical Standards of Fitness to Drive, Driver and Vehicle Licensing Agency, February 2010.

36. Alcohol dependency is defined in the DVLA guidance as:

'A cluster of behavioural, cognitive & physiological phenomena that develop after repeated alcohol use & which include a strong desire to take alcohol, difficulties in controlling its use, persistence in its use despite harmful consequences, with evidence of increased tolerance and sometimes a physical withdrawal state.'

37. A category of present alcohol dependence is only required where the purpose of the children's home is to specifically reduce children's misuse and dependence on alcohol.

Children with sensory impairment (SI)

38. The term sensory impairment is used as a generic term to cover a range of sensory impairments such as the following examples.

- Hearing impairment – this covers the spectrum of those who have some hearing to those who have no hearing at all.
- Visual impairment – this covers the spectrum of those who have some residual vision to those who have no vision at all.
- Deafblindness is a mixture of hearing impairment and visual impairment. Children may also have no ability to speak. Children can be born with such impairment or acquire this after birth.

Adoption support agencies

39. Ofsted applies one of first three conditions of registration depending on the types of service that an applicant intends to provide. Ofsted also adjusts the fourth condition of registration depending on which groups an applicant states that they intend to provide adoption support services for.

The registered person:

- may only provide birth records counselling
- may only provide intermediary services
- may provide both birth records counselling and intermediary services
- may provide adoption support services to children/adults/children and adults (delete as applicable).

Independent fostering agencies

40. Ofsted does not usually apply conditions of registration to independent fostering agencies. However, we may impose conditions at registration in specific circumstances. Please refer to paragraph 44.

Residential family centres

41. Ofsted applies the following condition to all residential family centres. The registered person:

- may only accommodate XX (number of) families at any one time.

Residential holiday schemes for disabled children (holiday schemes)

42. Ofsted applies the following conditions to all holiday schemes. The registered person:

- must provide Ofsted with the addresses at which the holiday scheme will operate no less than 28 days before the holding/operation of the scheme
- must provide information to Ofsted of the dates the service is to operate, no less than 28 days before the holding/operation of the scheme.

Voluntary adoption agencies

43. Ofsted only usually applies conditions of registration to for categories of registration for voluntary adoption agencies. These define the work of a particular agency.

Wording categories of registration for voluntary adoption agencies

44. The applicant must apply for at least one of the following conditions depending on the services that the adoption agency intends to provide. If registered a provider will need to apply for a variation to their conditions of registration if they intend to undertake other services listed below. The registered person may only provide the following services:

- domestic adoption services (DA)
- inter-country adoption services (ICA)
- adoption support services for children/adults/children and adults (delete as applicable) (AS)
- birth records counselling
- intermediary services.

Additional information

Additional conditions of registration for adoption support agencies, children's homes, independent fostering agencies, residential holiday schemes for disabled children (holiday schemes), residential family centres and voluntary adoption agencies

45. Very occasionally additional conditions of registration which are not covered above may be used in particular circumstances in relation to an individual establishment, agency or holiday scheme at the point of registration. A case discussion is held to make this decision.⁸⁸ However, additional conditions of registration must not be used to counteract any deficits in an applicant's ability to protect children, young people and adult service users'.

Breaches of conditions of registration

46. Any breach of a condition of registration is an offence⁸⁹ and therefore liable to enforcement action. Any breach will be treated seriously and action must follow the procedures in the *Social care compliance handbook*.⁹⁰

⁸⁸ For information on case discussions please refer to our *Social care compliance handbook* (140136), Ofsted, 2014; www.ofsted.gov.uk/resources/140136.

⁸⁹ Care Standards Act 2000, section 24.

⁹⁰ *Social care compliance handbook* (140136), Ofsted, 2014; www.ofsted.gov.uk/resources/140136.